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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,428	11/19/2003	Shingo Nozawa	00862.023313.	4216
5514 7590 12/12/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
TEKLE, DANIEL T				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
12/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/715,428

Applicant(s)

NOZAWA, SHINGO

Examiner

DANIEL TEKLE

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,9,11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,9,11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Argument

Applicant's arguments with respect to claims 1-3, 6, 9, 11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 6, 9, 11 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Enari (US 5,774,624) further in view of Kitamura et al. (US 6,556,627).

Regarding Claim 1: Enari discloses an imaging apparatus comprising: an image capture unit(column 3 lines 45-46); an encoding unit configured to encode a moving picture signal, output by image capture unit using intraframe encoding and interframe encoding, and to generate an encoded image signal comprising a plurality of picture groups each comprising n (where n represents an integer equal to or greater than 2) flames of an image signal including intraframe-encoded pictures obtained by the intraframe encoding and interframe-encoded pictures obtained by the interframe encoding(column 5 lines 34-65); a control panel configured to receive an instruction from a user to start a recording of the encoded images signal (column 1 lines 10-16); a recording unit configured to record, in response to the instruction, the encoded image

generated by encoding unit, on a recording medium (**column 1 lines 30-48 of Kitamura et al.**); a communications unit configured to communicate the encoded image signal generated by said encoding unit to an external device while the signal is in an encoded state, wherein the encoded image signal is transmitted to the external device while the encoded image signal is not recorded (**column 2 lines 20-58 of Kitamura et al.**); and a controller configured to control, upon detection of the instruction and while the encoded image signal is transmitted to the external device (**column 2 lines 20-58 of Kitamura et al.**), recording unit to start recording the encoded image signal from the leading end of a picture group that contains a frame, which corresponds to the instruction (**Fig. 5 frame 7 to frame 15**).

Regarding Claim 2: Enari discloses an apparatus according to claim 1, wherein said recording unit has a memory for storing the equivalent of one picture group of the moving picture signal generated by said encoding unit (**column 8 lines 41-50**)..

Regarding Claim 3: Enari discloses an apparatus according to claim 1, wherein said controller further controls said recording unit so as to record identification information, which indicates the frame corresponding to the instruction, in the picture group at the portion where recording starts (**Fig. 5 frame 7**)..

Regarding Claim 6: Enari discloses an apparatus according to claim 1, wherein said controller controls said encoding unit to start recording by said recording unit if the frame corresponding to the instruction is an interframe-encoded picture, without the frame

corresponding to the instruction being encoded as an intraframe-encoded picture
(column 5 lines 34-65).

Regarding Claim 9: Enari discloses an apparatus according to claim 1, wherein the leading frame of each picture group is the intraframe-encoded picture (column 5 lines 59-65).

Regarding Claim 11 and 13: Claim 11 and 13 reject for the same subject matter as discussed in claim 1 above.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621
/Daniel Tekle/
Examiner, Art Unit 2621